IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.12/2000

1. Shri B.T. Parmeshwaraih,
2. Shri Prabhakar U. Dessai,
3. Shri Shrikant D. Patil,
4. Shri S. H. Nagarajaih,
5. Shri P.B. Akki,
6. Shri Vijaykumar Honwad,
7. Shri Basavaraj V. Pujari,
8. Shri Maladkar G.V.
9. Shri Rangaraju H.M.
10. Shri Anant G. Bhagwat,
11. Shri S.V. Pattan,
12. Shri G.V. Chitnis,
13. Shri P.N. Melge,
14. Shri Mohanrao D. Kalgutkar,
15. Shri S.S. Kulkarni,
16. Shri V.P. Mohanan,
17. Shri B. Kalachari,
18. Shri B.B. Budiyal,
19. Shri N.D. Gopalkrishna,
20. Shri H.P. Dhume,
21. Shri V.K. Thankappan,
22. Shri Shridharan K. Valapil,
23. Shri V.D. Joseph,
24. Shri M.K. Jayrajan,
25. Shri Satish L.S. Kudchadkar,
26. Shri B.A. Dessai,
27. Shri T.A. Atchutan,
28. Shri Monian K.P.,
29. Shri Subhash D. Kalgukar,
30. Shri M.K. Thilakan,
31. Shri P.V. Shreekumar,
32. Shi S.G. Handigol,
33. Shri Dinesh D. Mahale,
34. Shri M.G. Prakash Rao,
35. Shri Shridharan Chakat,
36. Shri M.S. Gokak,
37. Shri R.R. Yaragatti,
38. Shri Laxmikant Kolvekar,
39. Shri T. Sashikumar,
40. Shri N.N.S. Malcornekar,
41. Shri T.K. Das,
42. Shri P.P. N. Mukundan,
43. Shri M.S. Sharma,

All the petitioners working
as Assistant Engineers,
Irrigation Department,
Government of Goa. ..... Petitoiners.

Vs.

1. State of Goa, thorugh
its Chief Secretary, having
Office at Secretariat,
Panaji, Goa.

2. The Director,
Directorate of Accounts,
Government of Goa,
Panaji, Goa. ..... Respondents.

Mr. M.S. Sonak, Advocate for the petitioners.

Mr. A.N.S. Nadkarni, Advocate General with Mr. H.R. Bharne, Govt. Advocate for the respondents.

CORAM : F.I. REBELLO &
P.V. HARDAS, JJ.

DATE : JULY 29, 2003.

ORAL JUDGMENT: (Per REBELLO, J.)

The petitioners herein are holding the posts of Assistant Engineer in the Irrigation Department and drawing salary in the pay scale of Rs.6500-10500. On the Respondent State accepting the recommendations of Fourth Pay Commission, the salary of the Assistant Engineers in the Irrigation Department stood revised in the pay scale of Rs.2000-3500 with effect from 1.1.1986. It is their case that there is anomaly in the fixation of pay scale pursuant to Goa becoming a State w.e.f. 30.5.1987. It is their case that the pay scales of certain posts in the Directorate of Accounts, Secretariat, B.D.Os., Mamlatdars of Goa Civil Service Cadre, were revised. However, the pay scales of

various other employees including the Assistant Engineers in the Irrigation Department were not revised. It is further their case that with a view to remove the anomaly and for maintenance of parity in the pay scales, particularly between the Secretariat and non-Secretariat employees, the State of Goa vide Order dated 31.7.1996 was pleased to revise the pay scales of the Assistant Engineers in the Irrigation Department from Rs.2000-3500 to Rs.2200-4000. In the said order dated 31.7.1996, it is set out that subsequent to the implementation of the recommendations of the Fourth Central Pay Commission, various demands arose for revision of pay scale. Pay scales of certain posts were revised since the Goa Government Employees' Association had represented for general revision of pay scale to maintain parity with Secretariat staff and others. The order sets out that after prolonged discussion and careful examination, the Government decided to temporarily upgrade the pay scales of existing employees as shown in the said order, subject to the conditions that the benefit of the revision would not be admissible to those whose pay scales were again revised subsequent to implementation of the recommendations of Fourth Central Pay Commission and that the benefits of pay revision as per interim revised scales was only a temporary measure pending

decisions by the State Government on the revised scales and other benefits to be recommended by the Fifth Central Pay Commission. Further condition was that the grant of pay scales under the Fifth Pay Commission shall be with reference to the pay scales as recommended by the Fourth Central Pay Commission, ignoring all the interim revised scales given by the Government of Goa. The petitioners pay scales came to be revised pursuant to this order.

2. On the respondent State deciding to accept the recommendations of the Fifth Pay Commission, the same was done by Order dated 27.10.1997 with modifications as set out therein. The State Government decided that the pay fixation for the purpose of scales shall be done with reference to the pay scales of the Fourth Pay Commission existing as on 1.1.1986. It is, therefore, clear that the petitioners, pursuant to the said pay scales, were given the corresponding pay scale which was given to them when recommendations of Fourth Pay Commission were accepted.

3. The case of the petitioners, however, is that the respondents considering various anomalies in the pay scales of the Junior Officers of Goa Civil

Service, by order dated 27.10.1997 had revised their pay scales. Similarly, reference is made to some employees holding similar posts. It is, therefore, contended that considering the respondents themselves have been, inspite of the order of 1997, revising the pay scales, the petitioners herein are also entitled to the revision of their pay scales and, therefore, prayed for a writ to strike down the order dated 27.10.1997 and for a further mandamus to pay them in the pay scale of Rs.8000-13500.

4. By a separate Judgment delivered in Writ Petitions No.322/1998 & 138/1999, the challenge to the Order dated 27.10.1997 has been rejected. For the same reasons, the challenge in this petition also will have to be rejected.

In so far as prayer Clause (b) is concerned, considering that the petitioners were given the benefits of an interim revision and that the interim revision itself was subject to the recommendations of the Fifty Pay Commission, the respondents were perfectly right in not awarding them the benefits of the interim revision.

In the light of that the petitioner are not

entitled for any relief as prayed for. Rule stands discharged. There shall be no order as to costs.

F.I. REBELLO, J.

P.V. HARDAS, J.

ssm.